



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,875	03/19/2001	Bruce Albert Yeazell	6805C	1033

27752 7590 08/26/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 08/26/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/811,875

Applicant(s)

YEAZELL, BRUCE ALBERT

Examiner

Jiping Lu

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-19, 21 and 23-24 are rejected under 35 U.S.C. 103(a) as unpatentable over Smith et al. (U. S. Pat. 5,238,587).

Smith et al. show a dry cleaning system for dry cleaning fabrics comprising a heating vessel (dryer) for containing the fabrics and a carrier sheet comprises liquid cleaning/refreshment composition same as claimed. Smith et al. also disclose a method for dry cleaning fabrics same as claimed. (see col. 2, lines 3-12, lines 51-59 and claims). Smith discloses the claimed invention except for the absence of a bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to eliminate the bag and its function from Smith system in order to save cost, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

3. Claims 11-19 and 23-24 are rejected under 35 U.S.C. 103 as unpatentable over Weller et al. (U. S. Pat. 5,876,462).

Weller et al. show a dry cleaning system for dry cleaning fabrics comprising a heating vessel (dryer) for containing the fabrics and a carrier sheet comprises liquid cleaning/refreshment

Art Unit: 3749

composition same as claimed. Weller et al. also disclose a method for dry cleaning fabrics same as claimed. (see col. 2, lines 3-12, lines 51-59 and claims). Patent to Weller et al. discloses the claimed invention except for the absence of a bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to eliminate the bag and its function from Weller et al. system in order to save cost, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

4. Claims 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U. S. Pat. 5,238,587) in view of You et al. (U. S. Pat. 5,789,368).

The dry cleaning system and method of Smith et al. as above includes all that is recited in claims 20,22 except for material of the Absorbent Stain Receiver Articles and the pre-treating composition. You et al. teach a concept of using TBAL or FAB as Absorbent Stain Receiver Articles and pre-treating the fabrics with pre-treating composition comprises butoxy propoxy propanol same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dry cleaning system and method of Smith et al. to use TBAL or FAB as Absorbent Stain Receiver Articles and to use the pre-treating composition comprises butoxy propoxy propanol for pre-treating the fabrics as taught by You et al. in order to improve the cleaning quality. Moreover, it is well known in the dry cleaning art to use the claimed material as Absorbent Stain Receiver Articles and pre-heating Composition.

5. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller et al. (U. S. Pat. 5,876,462) in view of You et al. (U. S. Pat. 5,789,368).

The dry cleaning system and method of Weller et al. as above includes all that is recited in claims 20-22 except for the material of the Absorbent Stain Receiver Articles and the pre-treating composition. You et al. teach a concept of using TBAL or FAB as Absorbent Stain Receiver Articles and pre-treating the fabrics with pre-treating composition comprises butoxy propoxy propanol same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dry cleaning system and method of Weller et al. to use TBAL or FAB as Absorbent Stain Receiver Articles and to use the pre-treating composition comprises butoxy propoxy propanol for pre-treating the fabrics as taught by You et al. in order to improve the cleaning quality. Moreover, it is well known in the dry cleaning art to use the claimed material as Absorbent Stain Receiver Articles and pre-heating Composition.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U. S. Pat. 5,238,587) or Weller et al. (U. S. Pat. 5,876,462).

The dry cleaning system and method of Smith et al. or Weller et al. as above includes all that is recited in claim 25 except for the surface area of the carrier sheet. It would have been an obvious matter of design choice to design the carrier sheet of Smith et al. or Weller et al. with any desired surface area in order to obtain the optimum result since applicant has not disclosed that the claimed surface area solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appear that the claimed feature does not distinguish the invention over similar features in the prior art since, the dry cleaning system and method of Smith et al. or Weller et al. will perform the invention as claimed by the applicant with the carrier sheet having any kind of the surface area.

Double Patenting

7. The rejection under the judicially created doctrine of obviousness-type double patenting is hereby withdrawn pending the approval of the terminal disclaimer from Special Program Examiner.

Response to Arguments

8. The arguments filed 12/20/2002 are not persuasive to overcome the rejection. The applicants must positively claim what the invention is by means plus function language or structure. It appears to be the applicant's intention to rely on the negative limitation "in absence of a bag" for patentability. The examiner cannot agree with the applicant. It is well settled that to eliminate an element and its function is deemed to be obvious, In re Karlson, 136 USPQ 184. The function of the bag is to contain the liquid cleaning/refreshment composition. In this case, it is the function of bag's containment is being eliminated. Therefore, it is the examiner's position that to eliminate the bag and its containment function is deemed to be an obvious matter to one skilled in the art. The applicant also argued that there were additional benefits of removing wrinkles which the prior art references failed to teach. The examiner also disagrees because the claimed cleaning/refreshment composition is same as the prior art. Therefore, it is inherent that the additional benefit of removing wrinkles would be accomplished by the prior art references.

Conclusion

Art Unit: 3749

9. This is a RCE of applicant's earlier Application No 09/811,875. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

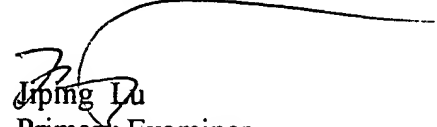
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 703-308-2354. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7764 for regular communications and 703 308-7764 for After Final communications.

Art Unit: 3749

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.



Jiping Lu
Primary Examiner
Art Unit 3749

J. L.
August 25, 2003